



Dr. Alan Lloyd
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Los Angeles Region

54 Years Serving Coastal Los Angeles and Ventura Counties

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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Arnold Schwarzenegger
Governor

Notice of Public Meeting/Hearing

Thursday, January 27, 2005

9:00 a.m.

Meeting Location:

[The Metropolitan Water District of
Southern California
700 North Alameda Street
Los Angeles, California](#)

Agenda

The Regional Board strives to conduct an accessible, orderly, and fair meeting. During the meeting, the Chair will conduct the meeting and establish appropriate rules and time limitations for each item. The Board will only act on items designated as action items. Action items on the agenda are staff proposals, and may be modified by the Board as a result of public comment or Board member input. Additional information about Regional Board meeting procedures is included after the last agenda item.

To ensure a fair hearing and that the Regional Board Members have an opportunity to fully study and consider written material, unless stated otherwise, written materials must be provided to the Executive Officer **not later than 5:00 p.m. on the Thursday preceding the Board meeting. Please consult the agenda description for specific items, because certain items may have an earlier deadline for written submissions. If you are considering submitting written materials, please consult the notes at the end of the agenda. Failure to follow the required procedures may result in your materials being excluded from the hearing record.**

INTRODUCTORY ITEMS

1. **Roll Call.**
- 1.a **Oath for New Board Members.** *(The Chair will give an Oath to the newly appointed Board Members.)*
2. **Order of Agenda.** The agenda items are numbered for identification purposes only and will not necessarily be considered in this order.
3. **Approval of September 2, 2004, and October 7, 2004 Draft Meeting Minutes.** [Stephen Cain, (213) 576-6694 **December 13, 2004** [Ronji Harris (213) 576-6612]
4. **Board Member Communications.**
[Robert Sams, (213) 576-6797]
 - 4.1 Ex Parte Disclosure. Board Members will identify any discussions they may have had requiring disclosure pursuant to Government Code section 11430.40.
 - 4.2 Board Member Communication. The Board Members may discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction.
- 4.a **The Chairs Award.** *(This annual award is presented for outstanding achievement in 2004 by Regional Board Staff.)*

- 4.b **Nomination of Chair and Vice Chair for 2005.** *(The Chair of the Nominating Committee will announce the nominations for Chair and Vice Chair for 2005).*
5. **Executive Officer's Report.**
[Jonathan Bishop, (213) 576-6605]
6. **Public Forum.** Any person may address the Board regarding any matter within the Board's jurisdiction that does not appear elsewhere on this agenda. Remarks will be limited to five (5) minutes, unless otherwise directed by the Chair.
7. **Uncontested Action Items Calendar.** Items marked with an asterisk are expected to be routine and noncontroversial. The Board will be asked to approve these items at one time without discussion. Any person may request that an item be removed from the uncontested calendar. The Chair will determine the appropriate time to consider an item removed from the consent calendar.

UNCONTESTED ACTION ITEMS

Waste Discharge Requirements that Serve as Individual NPDES Permits

Renewal-

- *8.1 Vopak Terminal Long Beach, Incorporated, San Pedro; NPDES No. CA0064165
[Cassandra Owens, (213) 576-6750]
- *8.2 Kaiser Aluminum and Chemical Corp., Los Angeles; NPDES No. CA0000892
[Mazhar Ali, (213) 576-6652]

Rescission-

- *8.3 Wheelabrator Norwalk Energy Company, Norwalk; NPDES No. CA0059927
[Cassandra Owens, (213) 576-6750]
- *8.4 ExxonMobil Refining and Supply Company, Torrance; NPDES No. CA0063304
[Cassandra Owens, (213) 576-6750]
- *8.5 City of Los Angeles, Department of Water and Power (John Ferraro Office Building), Los Angeles; NPDES No. CA0056855 [Rosario Aston, (213) 576-6653]

Time Schedule Orders

- *9. Consideration of an Amendment to Time Schedule Order (TSO) No. 01-011 for Malibu Creek Preservation Company, LLC. (This amendment proposes Board consideration of extension of deadlines in TSO with respect to Measure S approved by voters in the City of Malibu on November 6, 2004.) [Toni Callaway, (213) 620-2271]
- *10. Consideration of an Amendment to Time Schedule Order (TSO) No. R4-2002-0197 for Malibu Country Mart III. (This amendment proposed Board consideration of extension of deadlines in TSO with respect to Measure S approved by voters in the City of Malibu on November 6, 2004.) [Toni Callaway, (213) 620-2271]
- *11. Consideration of an Amendment to Time Schedule Order (TSO) No. R4-2003-0032 for Malibu Country Mart II. (This amendment proposes Board consideration of extension of deadlines in TSO with respect to Measure S approved by voters in the City of Malibu on November 6, 2004.) [Toni Callaway, (213) 620-2271]
- *12. Consideration of an Amendment to Time Schedule Order (TSO) No. R4-2003-0030 for Malibu Country Mart I. (This amendment proposes Board consideration of extension of deadlines in TSO with respect to Measure S approved by voters in the City of Malibu on November 6, 2004.) [Toni Callaway, (213) 620-2271]

Supplemental Environmental Projects (SEPs)

- *13. Consideration of three tentative Supplemental Environmental Projects as submitted for inclusion and update of the California Regional Water Quality Control Board, Los Angeles Region Supplemental Environmental Project List as adopted under Resolution No. 04-009, Rescission of Resolution No. 04-009 and Consideration of Resolution No. 05-XXX. [Gay Norris, (213) 620-6362]

ACTION ITEMS

14. Consideration of Complaint No. R4-2004-0050 to assess Mandatory Minimum Penalties in the amount of \$9,000 pursuant to California Water Code section 13385(h) against CRC Industries, Inc. for violation of its Waste Discharge Requirements. [Lala Kabadaian, (213) 620-6370]

NPDES PERMIT HEARING

15. Adoption of tentative NPDES Permit for the City of Los Angeles (Hyperion Treatment Plant *(This matter was heard before a joint Hearing Panel of the Los Angeles Regional Water Quality Control Board, and the U.S. Environmental Protection Agency. The Panel Members will make a recommendation to the full Board for consideration and disposition. In so doing, the Board may meet in closed session to deliberate pursuant to Government Code section 11123(c)(3)). (The comment period for the tentative permit heard at the November 4, 2004 Panel Hearing closed at the end of the Hearing, and no additional comments are being accepted).* (This Matter is being continued to the March 3, 2005 Board meeting.) [Jau Ren Chen, (213) 576-6656]

BASIN PLANNING

16. Consideration of a tentative Resolution to reiterate existing authority to regulate hydromodifications within the Los Angeles Region, and intent to evaluate the need for and develop as appropriate new policy or other tools to control adverse impacts from hydromodification on the water quality and beneficial uses of water courses in the Los Angeles Region. [Renee DeShazo, 576-6783]

WORKSHOP

17. Public Workshop to consider basin planning priorities for 2005-2007 (Triennial Review). (Staff will solicit Board input and public comments on the highest priority basin planning priorities for 2005-2007. Formal action on this item is being deferred to the March 3, 2005 meeting.) [Renee DeShazo, 576-6783]

CLOSED SESSION

18. As authorized by the Government Code, the Regional Board will be meeting in closed session. Closed session items are not open to the public. [Michael Lauffer, (916) 341-5183]

Litigation/Administrative Challenges. (Authority: Government Code Section 11126(e).)

- 18.1 City of Los Angeles, City of Burbank v. Los Angeles Regional Water Quality Control Board, Los Angeles County Superior Court, Case Nos. BS 060957 and BS 060960.
18.2 Trash TMDL Lawsuit against Los Angeles Regional Water Quality Control Board; Cities of Arcadia, et. al San Diego Superior Court Case No. GIC 803631.
18.3 Litigation filed in Los Angeles Superior Court, In Re Municipal Storm Water Permit for Los Angeles County Order No. 01-182 [NPDES No. CAS004001].
18.4 County of Los Angeles et al. v. Commission on State Mandates et al. and City of Artesia et al. v. State of California, Los Angeles Superior Court, Case Nos. BS089769 & BS089785.
18.5 North Valley Coalition v. State Water Resources Control Board et al., Sacramento Superior Court, Case No. 04CS00935.

- 18.6 Petition to SWRCB No. A-1591 filed by the City of Santa Paula for Failure to Modify Waste Discharge Requirements Order No. 97-041 [NPDES No. CA0054224] for Santa Paula Waste Treatment Plant.
- 18.7 In re Halaco Engineering Company, United States Bankruptcy Court, Central District of California, Northern Division Case No. ND-02-12255 RR; and Petition to SWRCB No. A-1602 filed by Halaco Engineering Co. challenging Cleanup and Abatement Order No. R4-2003-0135.

Adjournment

- 19. **Adjournment of Current Meeting.** The next Regular Meeting is scheduled for March 3, 2005, at the City of El Segundo, Council Chambers, 350 Main Street, El Segundo, CA.

NOTICE

Additional information concerning hearing procedures, written submissions, and the record.

Hearing Procedures: The Regional Board follows procedures established by the State Water Resources Control Board. These procedures are established in regulations commencing with section 647 of title 23 of the California Code of Regulations. The Chair may establish specific procedures for each item, and consistent with section 648, subdivision (d) of title 23 of the California Code of Regulations may waive nonstatutory provisions of the regulations. Generally, all witnesses testifying before the Regional Board must affirm the truth of their testimony and are subject to questioning by the Board Members. The Board does not, generally, require the designation of parties, the prior identification of witnesses, or the cross examination of witnesses. Any requests for an alternate hearing process should be made to the Executive Officer in advance of the meeting, and under no circumstances later than 5:00 p.m. on the Thursday preceding the Board meeting.

Written Submissions: Written materials (whether hand-delivered, mailed, e-mailed, or facsimiled) ***must be received prior to the relevant deadline*** established in the agenda and public notice for an item. If the submitted material is more than 10 pages or contains foldouts, color graphics, maps, or similar items, 12 copies must be submitted prior to the relevant deadline.

Failure to comply with requirements for written submissions is grounds for the Chair to refuse to admit the proposed written comment or exhibit into evidence. (Cal. Code Regs., tit. 23, § 648.4(e).) The Chair may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Chair may refuse to admit it.

Administrative Record: Material presented to the Board as part of testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, charts, diagrams, etc. All Board files pertaining to the items on this Agenda are hereby made a part of the record submitted to the Regional Board by staff for its consideration prior to action on the related items.

Accessibility: Individuals requiring special accommodations or language needs should contact Sonja Gettel at (213) 576-6801 or sgettel@rb4.swrcb.ca.gov at least ten working days prior to the meeting. TTY/TDD/Speech -to-Speech users may dial 7-1-1 for the California Relay Service.

Availability of Complete Agenda Package: A copy of the complete agenda package is available for examination at the Regional Board Office during regular working hours (8:00 a.m. to 5:00 p.m. Monday through Friday) beginning 10 days before the Board meeting. Questions about specific items on the agenda should be directed to the staff person whose name is listed with the item.

Continuance of Items: The Board will endeavor to consider all matters listed on this agenda. However, time may not allow the Board to hear all matters listed. Matters not heard at this meeting may be carried

over to the next Board meeting or to a future Board meeting. Parties will be notified in writing of the rescheduling of their item. Please contact the Regional Board staff to find out about rescheduled items.

Challenging Regional Board Actions: Pursuant to Water Code section 13320, any aggrieved person may file a petition to seek review by the State Water Resources Control Board of most actions taken by the Regional Board. A petition must be filed within 30 days of the action. Petitions must be sent to State Water Resources Control Board, Office of Chief Counsel; ATTN: Elizabeth Miller Jennings, Senior Staff Counsel; 1001 "I" Street, 22nd Floor; Sacramento, CA 95814.

Electronic Information and Updates: Our web site address is www.swrcb.ca.gov/rwqcb4. The site can also be accessed through the State Water Resources Control Board's web site at www.waterboards.gov/losangeles/, then clicking on "Regional Boards". Information available online includes the Regional Board's meeting schedule, a list of the Regional Board members, past and present Executive Officer reports, program information, a list of staff and phone numbers arranged by their work unit, and links to the Santa Monica Bay Restoration Commission's home page and other governmental agencies. Last-minute changes to the agenda, such as the continuance of an item, will be posted electronically. If you need further information, please contact Jack Price at (213) 576-6669.

Pending Water Quality Certifications: A listing of pending water quality certification applications currently on public notice pursuant to Section 401 of the Federal Clean Water Act may be obtained by calling Valerie Carrillo at (213) 576-6759.
